

- 21*
Amended
17. The textile according to Claim 15, wherein said first yarn set and said second yarn set are interwoven in a barathea weave.
 18. The textile according to Claim 15, wherein said first yarns comprise a 2250 denier yarn.
 19. The textile according to Claim 18, wherein the weave density of said first yarn set is about 20 ends per inch.
 20. The textile according to Claim 15, wherein said second yarns comprise a 2200 denier yarn.
 21. The textile according to Claim 20, wherein the weave density of said second yarn set is about 20 picks per inch.
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REMARKS

In claim 15, applicant claims the second yarn comprises "textured polyester and elastomeric UV stabilized yarns." Applicant respectfully contends that this language should overcome the Examiner's 112 2nd paragraph rejection to "polyester yarn with an elastomeric base" as previously claimed in claim 6 and as rejected by the Examiner in Paper 10 and Paper 13.

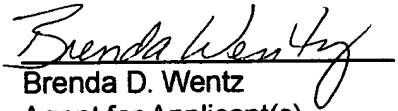
With regard to priority, U.S. Patent No. 5,807,794 teaches the use of three distinct yarns in the Example (col. 5, lines 59-66). The three yarns are natural polyester, textured polyester, and a 1000 denier bicomponent sheath/core monofilament UV stable yarn. This bicomponent UV stable yarn is an elastomeric yarn as disclosed in column 4, lines 45-47. Since the '794 patent discloses a UV stable elastomeric yarn used in addition to (not instead of) natural polyester and textured polyester warp and weft (or fill) yarns, Applicant respectfully submits that these elements provide sufficient similarity to the claims of Applicants invention to allow Applicant to claim the benefit of priority to the '794 patent. Applicant further claims benefit to U.S. Patent Nos. 5,632,526 and 5,533,789 to the extent that the matter originally disclosed is common with the present invention.

With regard to the 103 rejections, while the Gretzinger reference discloses the addition of UV stabilizer to the thermoplastic elastomer monofilament fill yarns, neither the Gretzinger nor the Stumpf reference disclose or suggest adding UV stabilizer to the warp yarns. Furthermore, neither the Gretzinger nor the Stumpf reference disclose or suggest blending polyester filaments with elastomeric UV stabilized filaments to create a UV stabilized polyester fill yarn as disclosed by Applicant in claim 15. The rejection based on McLarty in view of Gretzinger additionally fails to teach or suggest the inclusion of a UV stabilizer in the warp yarns and further fails to teach or suggest blending polyester filaments with elastomeric UV stabilized filaments to create a UV stabilized polyester fill yarn as disclosed by Applicant in claim 15.

In view of the above amendments and remarks, it is respectfully requested that claims 15-21 be allowed and that the application be passed to issue.

Respectfully requested,

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